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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/074,496 05/07/98 ALBRITTON

J 091078.0554

EXAMINER

PM82/1022

BAKER AND BOTTS
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DALLAS TX 75201-2980

KIM.H

ART UNIT

PAPER NUMBER

3629

DATE MAILED:

10/22/01

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Art Unit 3629

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed on 6/11/01 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance for *LU-41,444* and *DE-1,534,526*, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 37 is rejected under 35 U.S.C. § 102(b) as being anticipated by UK Patent 2,023,695 (cited by the applicant on IDS filed on 6/11/01). The UK Patent 2,023,695 discloses all of the claimed structural limitations of a breakaway guardrail post for highway crash control system (see Fig. 4) comprising an upper post member 6 having a weak impact axis and a strong impact axis, a lower post member 4 disposed beneath and spaced apart from the upper post member 6, and a connecting joint member (see Fig. 2) having a first end 2 connected to the upper post member 6 with a first fastener 9 and a second end 1 connected to the lower post member 4 by an attachment (p. 1,

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lines 74-78). Further, the first fastener 9 has a first failure strength which is less than a second failure strength of the attachment (p. 1, lines 111-120).

Allowable Subject Matter

Claims 5-12, 24-27, 32-33, 36, and 39 are allowable over the prior art of record.

Claim 38 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

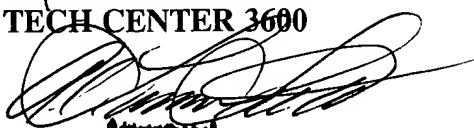
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Harry C. Kim whose telephone number is (703) 308-2248. The examiner can normally be reached on Mon.-Fri. from 5:30 AM to 3:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

HCK
October 16, 2001


HARRY C. KIM
PRIMARY EXAMINER
TECH CENTER 3600


Approved
Al Lawrence Smith
Director, Group 3600